

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION ROOM
Tuesday, August 21, 2007

MEMBERS

PRESENT: Appleby, Bonilla-Baker, Funk, Mikesell, Ritter, Schneider, Simpson, Soderberg and Yarnevich

MEMBERS

ABSENT:

STAFF

PRESENT: Andrew, Asche, Burger, Herrs, Nelson and Place

Item #1. Approval of the minutes of the regular meeting held on August 7, 2007.

The minutes of the August 7, 2007 meeting were approved as presented.

Item #2. Application #Z07-10, filed by Quail Meadows Estates, Inc., requesting a change in zoning district classification from C-1 (Restricted Business) and A-1 (Agricultural) to PC-5 (Planned Service Commercial) and Planned C-2 (Planned Neighborhood Shopping) and approval of a preliminary development plan for a 20 acre tract of land located on the west side of Ohio Street north of Schilling Road. Continued from August 7, 2007 meeting.

Mr. Andrew presented the staff report with visual graphics which is contained in the case file.

Mr. Simpson asked are there any questions of Dean or the staff?

Mrs. Soderberg stated on the proposed list you had struck private clubs but it is in the list under condition #2.

Mr. Andrew asked in the recommendations?

Mrs. Soderberg stated yes.

Mr. Andrew stated it probably shouldn't have survived to be shifted over there to the recommendation if it was struck.

Mrs. Soderberg asked what about the minimum height under condition #2? I thought we had the same concerns for that as we did in condition #1 for Lot 1, Block 1 as we did for Lot 1, Block 2, am I not remembering that correctly?

Mr. Andrew stated the maximum height in the C-3 district is 35 ft. So the condition there at the end that says that "development shall be subject to all bulk, use and signage limitations of the C-3 district" addresses that. One of those bulk limitations is that the maximum building height is 35 ft. We can certainly call that out in some way if you'd like. But the reason it is called out in Item #1 there is because the maximum building height is actually 50 ft. and the 35 ft. is more restrictive and 35 ft. is actually the limitation in C-3 so it was not specifically called out.

Mrs. Soderberg asked what was the reason for a 50 ft. maximum in C-2 and a lesser maximum in C-3?

Mr. Andrew stated I can't really explain the rationale for C-2 other than to make it be a more intense district than C-1, which has a 30 ft. height limit.

Mrs. Soderberg asked isn't it less intense than C-3?

Mr. Andrew stated yes. However, most of the uses in buildings that you're trying to accommodate in C-3 are like malls, department stores and things of that nature that generally have flat roofs or are on one level and usually fit within that 35 ft. height limit.

Mr. Simpson asked are there any other questions of Dean or other staff? Would the applicant care to address the Commission? Please state your name and address.

Stan Byquist, 2601 S. Ohio, stated thank you for letting me present this to you. I want to thank the staff for doing a very good job of compiling your recommendations. Again I want to thank you as a Commission for giving me guidance on your recommendations of uses. I agree with everything, except I have a couple of exceptions and I would like to address those. I would like the Commission to consider allowing these additional uses but only in the type of format that I propose here. That would be automobile sales, automotive parts, boat sales, garden stores, pet stores and truck sales. The format that I propose would be strictly as an office. In other words, if you would agree to this, these proposed uses could have no outside displays. I'll give you an example, and if it could happen in Salina I don't know, but it's what is starting to happen in some of the larger cities. Say you have a big car dealer and he has a main lot somewhere, what they are starting to do is go out to the malls and put in a little branch office and it's staffed, has a computer system, has the advertising posters. You can walk into this office, get on the computer system, look at their inventory and actually buy a car from that remote site even though there is no inventory there. That is something that I would like to at least have a possibility of doing. If it will happen in Salina, I don't know. But I could sure see it happening down the road. The automotive parts would just be a store with no outside display. Boat sales would be the same thing as automotive sales, just a remote office where you go in and meet a staff member, you look at the computer and you maybe find what you like. Garden stores would just be a little local garden store that would have everything contained inside its little building and no yard outside. A pet store would be just a pretty typical pet store where you would go in and buy accessories for your pets. I assume they would probably have some pets in there but would not be allowed to have any outside kennels or any animals outside. Truck sales would be the same as automobile sales. That's what I would ask that maybe you consider these other options. Other than that I'm totally happy with the list you've given me and I'm totally happy with the height requirement. I think we can live with that. I think we can make a real nice neighborhood shopping area and really be a benefit to that part of town. If you have any questions I would be happy to answer them.

Mr. Simpson asked garden stores, there wouldn't be a greenhouse or anything outside?

Mr. Byquist stated I really can't pick one out for you. But I've seen them in larger cities. Maybe I'm a little too particular. But you would go in, they have your plant food, all your accessories and they probably do have some plants inside their store but no outside facility.

Mr. Simpson asked that would be different from a florist shop?

Mr. Byquist stated I think so because when I think of a florist shop you go in and buy some flowers and you walk out or have them delivered. A garden type store is more for the home gardener where they go in and get their supplies, maybe pick up a plant or two but primarily store supplies. I don't know if it will happen but I'm trying to be flexible because we don't know what will actually end up here.

Mrs. Soderberg asked you are ok with the striking of the private club?

Mr. Byquist stated I don't have a problem with that.

Mrs. Yarnevich asked if we were to add those back in would that be just for the automobile sales office only? How do we indicate that on this that there would be no outside sales? Would we have to indicate that specifically for those that he added in?

Mr. Andrew stated it is kind of inherent in the C-3 district regulations. But one way to do that is what we tried to do with contractor's offices which is to say contractor's offices, not including outdoor storage yards. You could say automobile sales, indoor sales and sales office only. You could qualify it that way. Automotive parts tends to be an all indoor activity anyway. So that's generally not a concern. I think with the boat sales you'd want to do the same thing, indoor sales office only. I understand a little bit about where Stan is coming from but I have a hard time envisioning a garden store that wouldn't have outdoor displays. I think if you had a garden store and you tried to convey to them that they couldn't display anything or have a sales area outside I'm not sure that would be clearly understood. It's difficult to think of one where they didn't have that but you could do the garden store and indicate indoor display and sales only. That would be the clearest way to qualify that is to put it in the conditions.

Mr. Ritter stated I think there are some garden stores like that in Smith and Hawken. They just had benches and retail type stuff.

Mr. Simpson asked a pet store would just be retail, not grooming or anything like that?

Mr. Byquist stated I would envision just your general neighborhood pet store where they would go in and get supplies and I'm sure they'll sell some fish and things like that. I'm not looking for a grooming or veterinary facility or anything like that.

Mr. Simpson asked are there any other questions or comments for Mr. Byquist?

Mr. Andrew stated because it was an oversight on our part, bicycle shop and hotels and motels were meant to be included, private clubs were meant to be deleted, and what Stan is proposing is automobile sales with indoor sales office only, automotive parts and garden stores with indoor display and sales only, boat sales with indoor sales office only and pet stores. Those are the five that he was requesting to add.

Mr. Byquist stated I don't know whether it would make a difference between trucks and cars. Most car dealerships sell trucks also. I don't know if you lump those two into one or what you do.

Mr. Simpson stated an indoor truck sale facility depends on the size of the truck but you wouldn't have much room for anything else.

Mr. Byquist stated I don't really anticipate anybody probably having inventory. I think Dean told me before the meeting that in C-3 or like the mall that if it's inside they can display it. I guess that's possible. But

probably and more realistically I think you might see some remote offices some day. You might have a dealer in Wichita that says they want to put a remote office in Salina.

Mr. Simpson asked that would have the same language excluding outdoor display?

Mr. Byquist stated correct.

Mr. Andrew stated the other thing we mentioned, John if you could get the site plan back up there, the actual site plan and building arrangement and how things would be arranged on the site would come back to the Planning Commission before the use and the building is actually established. You would have an opportunity to review how it was actually arranged and sited on the site before that occurred.

Mr. Simpson stated is there anything else from Mr. Byquist? Thank you Stan.

Mr. Byquist stated thank you.

Mr. Simpson asked would anyone else wish to address this application? Seeing no other individuals wishing to address this application we will bring it back to the Commission for discussion and action. We will need to amend the future land use map to show the frontage property on Ohio Street as suitable for commercial and retail development prior to action on the application itself.

Mrs. Yarnevich stated I don't have any objection to these being added in as long as there is no outdoor display and they are contained within their allotted site.

MOTION: Mrs. Soderberg stated I move that we recommend approval of an amendment of the city's Future Land Use Plan.

SECOND: Mrs. Yarnevich.

Mr. Simpson stated it has been moved and seconded to show the Ohio Street frontage on this property as being appropriate for commercial and retail development. Are there any further questions or comments? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 9-0.

Mr. Simpson stated we will now deal with the application.

MOTION: Mrs. Soderberg stated I move we approve Application #Z07-10 with the four staff recommendations adding to the second recommendation; bicycle shops, hotels and motels, deleting private clubs and adding in auto sales, auto parts, boat sales, truck sales, garden stores and pet stores with all of those having no outdoor display areas.

Mr. Andrew stated we will clarify that in your recommendation and the ordinance that is drafted.

SECOND: Mr. Funk.

Mr. Simpson stated it has been moved and seconded that we approve Application #Z07-10 with staff's recommended conditions. Any further questions or comments? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 9-0.

Item #3. Application #P07-4, filed by Quail Meadows Estates, Inc., requesting approval of a preliminary plat of Quail Meadows Estates Commercial Addition a proposed two (2) lot subdivision of a 20 acre tract located on the west side of South Ohio Street north of Schilling Road. Continued from August 7, 2007 meeting.

Mr. Andrew stated I don't know if Stan would have any comments on this but we met with Stan and his design engineer and there is a little more work to be done to try to coordinate his drainage design with the South Ohio Street widening and it wasn't quite in a position to bring back to you with all the issues resolved. So we would recommend continuing that case and we can see if Stan has any kind of update on that. We're in agreement and know what needs to be done there is just some more work that his engineer needs to do to have a drainage solution for those commercial lots.

Mr. Byquist stated I talked to my engineer this afternoon and he finally resolved all the problem areas. It was primarily in the drainage, how to get the stormwater off the properties and where to take it. He has resolved that and he is in the process of making the final drawings that the Engineering Department and the other offices of the City need and he expects to have those in to the City at the first of next week. Once they review those then I'm sure Dean will put it back on the schedule.

Mr. Simpson asked so it will be for the first meeting in September?

Mr. Andrew stated that seems to be a good target for that. If we can get them in the first of next we should be able to do that.

Mr. Byquist stated thank you.

MOTION: Mrs. Yarnevich stated I move that we table Application #P07-4 to the September 4th meeting.

SECOND: Mr. Mikesell.

Mr. Simpson stated it has been moved and seconded that we table Application #P07-4 to the September 4th meeting. Any further questions or comments? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 9-0.

Mr. Simpson stated I would say if there was anyone here, since this was on our agenda today, who wishes to address this specific application we didn't want to cut you off. Apparently not.

Item #4. Application #P07-5, filed by Magnolia Hills Estates, Inc. (Kelly Dunn and Stan Byquist), requesting approval of a preliminary plat of Magnolia Hills Estates Addition No. 2 a proposed 117 lot subdivision of a 48.8 acre tract of land located between Markley road and Holmes Road north of Magnolia Road. Continued from August 7, 2007 meeting.

Mr. Andrew presented the staff report with visual graphics which is contained in the case file.

Mr. Simpson asked are there any questions for Dean or the staff?

Mr. Funk asked that note 6 in staff's recommendation on the 30 ft. sewer easement, does that mean no fences in that area?

Mr. Andrew stated that means no fences. If you wanted to have a privacy fence or an enclosed yard you would have to bring your fence in. These lots are platted deeper than many of the other lots but it means you would bring your fence in and you would still be responsible to mow back there but it would basically be left as an open area with no fences, structures or outbuildings.

Mrs. Yarnevich asked if the City did have to go in and do something to the sewer who restores that lawn, the owner or the City?

Mr. Andrew stated the City crews will restore it back but they will only restore it back to a restorable condition, they're not going to reseed it or anything. They'll fill it and make it smooth and plantable. Because of the large area it serves, how large it is, how deep it is, they really don't want to be having to move fences or buildings or anything to get at it to do maintenance.

Mrs. Yarnevich asked how do you get back there?

Mr. Andrew stated with it being 30 ft. wide and if those roads are built they could come in off the side street. The other thing is that this is mostly open here, the church has a large parking lot here and they could get access there and get up to it. But they are generally going to need backhoes or some kind of equipment to get in there. Right now they get in there by driving through the field.

Mr. Funk asked so it would operate almost like an alley?

Mr. Andrew stated it will operate more like an alley. In a traditional easement you can put fences in at your own risk. But this is one where we don't want them there at all.

Mrs. Soderberg stated you have added to our packet Planning Commission Policy #04-1. What I'm confused about is the one street which is Stonepost Lane, that is the only street that physically connects to Markley Road. Why doesn't this policy that you've attached fit in which stipulates that each new development or subdivision provide a minimum of two principal means of access to the development from public streets? And in the timing required, the phasing shall be established so that the two principal means of access are constructed in conjunction with the initial phase of the development, is this not considered a new development?

Mr. Andrew stated it has to do with if you're looking at the entire subdivision or phasing. John if you could go back to the vicinity map or the map of the first phase. What that was referring to if you look at the policy it's saying, and the other thing when this was looked at, it's in your packets also, there is a master plan for this whole area, what that policy is designed to avoid would be to have a single entrance on Markley Road coming back all the way back into here and having no other possible connection to any other public street. What we have is we have this as one connection, this is the second connection so it meets the policy and then it was demonstrated at the time that there will be a street connection to here to Holmes Road which is a third connection and there is likely to be probably in this location a fourth connection.

Mrs. Soderberg asked where is the second connection? I understand the Stonepost Lane.

Mr. Andrew asked this street right here?

Mrs. Soderberg asked but that is not a street yet?

Mr. Andrew stated it is not a built street yet.

Mrs. Soderberg asked so we're not concerned that 117 lots with 1100 to 1200 vehicle trips per day will be emptying through that other area on one street?

Mr. Andrew stated I think what we will do when we get to the final plat is we will look at the phasing plan and we will look at some limit on how many dwelling units they can develop before they have to make a connection to Holmes Road.

Mrs. Soderberg stated I still don't understand why our general policy doesn't kick in at this point.

Mr. Andrew stated the general policy is to look at the subdivision layout as a whole and to make sure that a subdivision is not being proposed that is of any size that has only one physical way in.

Mrs. Soderberg asked for how long? I understand eventually that is going to happen but how many properties can be built on before that needs to kick in?

Mr. Andrew stated that would be a judgment for the Planning Commission. Whether that triggered some need for emergency access. In the case of River Run, that subdivision has only one street access to another public street. What was done there was basically what's called out there. And under Item #2 where it says if the Planning Commission finds it is impractical to make a second principal street connection, a secondary emergency access connection may be required. And that's what the Planning Commission did with River Run was require an emergency access through the parking lot of the Elks Club to provide a second way in and out in an emergency.

Mrs. Soderberg asked how many buildable lots is River Run?

Mr. Andrew stated it has 47 in the first phase and I think 90 total in the complete subdivision if you took in the second phase of platting. What we will look at here is look at distances, reasonable numbers and probably come up with a limit. If you could go to the plat layout or phasing John, on the final plat we would arrive at something that says you can come over to Phase III or this far and you can not go and develop this area or come any farther or add any more dwelling units until the second connection is made. The other alternative would be to have them, which doesn't solve the traffic question but for emergency access, to have them construct something there that would have a means of providing a secondary access for emergency response.

Mrs. Yarnevich asked that southern part they're not going to build up right now because of the sewer situation right, you would need a pump station?

Mr. Andrew stated that is correct.

Mrs. Yarnevich asked what if they built the access road would that be an astronomical expense? To them that would be 8 lots that would not be developed but we would have the second access road on to Markley.

Mr. Andrew stated that is a possibility and that is something that the applicants can best respond to. I think the concern would be that if they build this and pay to put that in they can't build any houses on it right now so they would be having to carry that cost until such time as that was ready to develop. But that would be a lot less expensive than doing all of this. I think

it would be best to let the applicants respond or to let their engineer respond to what their plan is. Right now their phasing plan is to do this and to come back this way and basically save this for last because of the sewer question.

Mrs. Yarnevich asked what is the second emergency entrance? Like River Run has an emergency entrance, is there an emergency entrance here?

Mr. Andrew stated we will probably work with them to design something to make that passable for emergency vehicles.

Mrs. Soderberg asked how many lots will be developed in the area that they're building on right now?

Mr. Andrew stated they have 33 lots here and they have 25 here in this phase.

Mrs. Soderberg asked so you're talking about 150 lots all together adding in the application for today? Not the ones that have the sewer issue, that would be about 150, is that correct?

Mr. Andrew stated if you take this whole Phase I subdivision and the whole Phase II subdivision being proposed there would be 212 lots.

Mrs. Soderberg asked the southern portion of Phase I isn't going be completed for awhile, we don't know how long, it could be years, are we calling this application today Phase III? What are we calling that phase?

Mr. Andrew stated phasing generally refers to the installation of public improvements. This is Addition No. 2 because it is an expansion on to Addition No. 1.

Mrs. Soberberg stated my point is 150 homes could be in that area, with I don't know how many vehicles trips per day, and only one street coming out for a long time.

Mr. Andrew stated that is correct.

Mrs. Soderberg stated I understand the concern about not wanting to pave Holmes Road but I am concerned about that many lots that are built on with just one access point. I'm kind of surprised that the City is not concerned about that.

Mr. Andrew stated it becomes a traffic issue and it's somewhat of a distance and safety issue but when we come back with a final plat we're going to have some recommendations on it related to their phasing plan that they can only go so far. The other thing, John if you could go back to the slide that shows the proposed plat, if this is built and the church builds a driveway here it will not be a public access but certainly for emergency access you'd be able to get all the way from Magnolia through the church parking lot to that location and that would be an emergency access entrance. Certainly the church doesn't want the subdivision residents driving through their lot to get to Magnolia but that would be a second way in for emergency vehicles. The City does not have a cars per day standard. There is no rule that says how many cars or lots you can load up on one street before it's too many. We will make some recommendations on a phasing plan and a cap for how many lots they can develop without a connection to Holmes Road.

Mrs. Soderberg asked that would likely be less than 117?

Mr. Andrew stated yes, if you look at a comparable situation when the Tasker Addition was done south of Coronado School and Schilling Road was a gravel and dirt road they developed the subdivision by coming down

from Ray. We didn't want them to develop the whole subdivision and still not have a connection to Schilling Road so they were allowed to develop half of the 90 lots, 45, and they couldn't develop any of the remainder until they had a physical connection to Schilling Road. That's probably what we will be looking at in this platting phase.

Mrs. Soderberg asked approval of the preliminary subdivision that we're taking up today does not mean that we are approving building on all 117 lots, that will be the platted portion?

Mr. Andrew stated today you're finding only that it is feasible to develop with residential homes all the proposed lots that they have in this layout, that they have the ability to be served with water, sewer and a future street system.

Mrs. Soderberg stated okay.

Mr. Simpson asked are there any more questions of Dean or the staff? Would the applicant or their representative care to address the application? Please state your name and address.

Kelly Dunn, 2524 Berwick Circle, stated I'd like to also thank Dean for all the work they've done on this. They have done an excellent job on it. I believe our engineers are working on all the solutions and recommendations that Dean has laid out for you today. We're in agreement with all the recommendations. We don't have a problem with any of those. We're still working on the final street names, we would have those when we present the final plat. On the cul-de-sac issue that we're working with the church on, we have contacted the church and we have not gotten a reply from them yet. But we are working with them and we will find something out. If we don't work something out with them then we'll just have to redesign an area down there where there would be a cul-de-sac or something different. On the 30 ft. easement on the back of them I just found out there are two new subdivisions that have the same application, Quail Meadows and Eastview, it's almost exactly the same thing. You can't really see how big those lots are but those lots are almost 180 ft. deep, which is a really deep lot to allow for an extra 30 ft. So people aren't stuck with a really short yard because of the easement. I think a normal lot is around 140 ft. deep so they are rather large lots to accommodate for that. I want to tell you a little bit about our phasing plan as well. I figured you're a little bit confused about what we're doing here but we're trying to get this done so we can move forward to this next phase without having to work with that sewer solution. Our plan is to probably go in and do Phase I after we get done with our 25 lots that we're putting in right now and then we'd like to come back and do the Phase III which would put that other entrance in. We're figuring probably two to three years on that. We're not planning on going to Phase II, III and IV on this plat before we go back and do the final area on the first addition. That's what our plans are for this area. Does that clarify anything for you?

Mrs. Soderberg asked is there some way to stipulate that that they can not proceed with those other phases?

Mr. Andrew stated you can have a condition on the final plat that they couldn't proceed beyond that prescribed Phase I area until they completed the second connection to Markley.

Mr. Dunn stated I believe we're putting a temporary entrance in there on Markley right now.

Mr. Andrew stated that is what we discussed as far as emergency access.

Mr. Dunn stated there is a culvert going into Markley Road and there is a temporary emergency access going in at this time.

Mrs. Yarnevich asked you're talking about emergency access not a paved road?

Mr. Dunn stated it won't be a paved road. There will be access to the area though. I think when we did our first phase we came up with the covenant for three years. We were going to give this phase three years to come up with a sewer solution. I think the 18 lots that need to be served and I think the three years will be up next year and we'll have to decide what we want to do with that. That's why we wanted to move ahead with this and then we'll come back and finish the first phase.

Mr. Mikesell asked could you give us just a little bit of a timeline of what you expect for finishing the first phase of this one and then you're going to move to the third phase?

Mr. Dunn stated our plan right now is we have 25 lots going in right now as we speak.

Mr. Funk asked on this plat?

Mr. Dunn stated on the first one. We have coming down into that area there is 25 lots right now in that area and they're actually putting the streets in right now. We're thinking next spring or next fall to go over and do Phase I of No. 2 and then probably a year later come back and do Phase III of Addition No. 1.

Mr. Funk asked Phase III of No. 1 is what?

Mr. Dunn stated the shaded area there. The shaded area is the 18 lots that can't be served by sewer right now.

Mr. Funk asked the sewer pump station is there?

Mr. Dunn stated yes if that's in place by then. That's what we're hoping is that's in place because we didn't want to try to go with anything private on that. We agreed to wait three years until they got a solution for that.

Mr. Funk asked you will be building Brookefield Drive at least halfway to that entrance?

Mr. Dunn stated yes, we will be building Brookefield Drive past the first two shaded lots up there, it will come about to the first two lots.

Mrs. Soderberg asked would you be amenable then to the plat restrictions on the other phases of your second subdivision until Phase III of the first one is completed?

Mr. Dunn stated sure. That's our whole plan is to get back over there and get Phase III done. We'd really like to see that go in before. We'd really like to do Phase III next but we're kind of working with the City on the sewer deal on that so that's why we want to pursue that other so we have somewhere to go until we have a solution for that.

Mrs. Soderberg stated I don't have any problems with Phase I of the second subdivision. It's just adding 117 lots to the first one.

Mr. Dunn stated I don't foresee that happening at all. Like Dean said there will probably be notes that will be put into the covenants to restrict that. I

don't know if there has been any progress made on the sewer solution yet. Dean do you have an update on that?

Mr. Andrew stated we're still working on numbers and cost estimates.

Mr. Dunn stated something is going to happen there. With our development process we'll have to put our own sewer solution in. But our main goal is to work with the City and have it go into the pump station. Something sooner or later will be done, preferably sooner.

Mrs. Yarnevich asked can we put that in as a Condition #11 that Phase III will be done after Phase I of the second subdivision?

Mr. Andrew stated I think we'd have a firmer idea on phasing if you wait until the final plat. You certainly have got it in the record as to what the concern is but they are going to be working on some of their design aspects of that and I don't think we would know the exact phasing until we got to the final plat.

Mr. Byquist stated I might have a suggestion. I understand your concern. Maybe the word phasing isn't what we need to use. Maybe the word is paving the second entrance in. In other words, rather than us being forced to do the whole third phase maybe what we should be talking about is paving the entrance to hook up. Thank you.

Mrs. Soderberg asked would there be any other place in town where that many lots would be served by just one way in and out?

Mr. Andrew stated it's so much a function of phasing because most of the time when you have that it's a temporary situation. You have subdivisions that have one way in and out for awhile until the next phase comes. What would be more of a concern for us here if there wasn't a proposal at all for a second or a third way in. Then that would be more of a concern because the whole long term issue is you're only going to have Phase I of the second addition developed until there is a physical connection to the second entrance.

Mrs. Yarnevich asked that doesn't need to be included in today's motion?

Mr. Andrew stated I don't think so because you would have the final plat still coming back to you.

Mr. Simpson asked are there any more questions for Mr. Dunn?

Mr. Dunn stated thank you.

Mr. Simpson asked does anyone else wish to address this application? Seeing none we will bring it back to the Commission for discussion and action.

MOTION: Mr. Ritter stated I move we approve Application #P07-5 with the ten recommendations from staff.

SECOND: Mrs. Yarnevich.

Mr. Simpson stated it has been moved and seconded to approve preliminary plat Application #P07-5 with the ten recommendations from staff. Any further questions or comments? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 9-0.

- Item #5. Application #CU07-2, filed by St. John's Military School, requesting approval of a Conditional Use Permit to allow an outdoor paintball range in an RS (Residential Suburban) district on a 9.89 acre unplatted parcel of land located between N. 9th Street and N. 5th Street north of the city's flood control levee.

Mr. Andrew presented the staff report with visual graphics which is contained in the case file.

Mrs. Yarnevich asked if they make that amendment then that would open the door for other paintball places within the city limits, is that correct?

Mr. Andrew stated it would not for a commercial paintball range. We have some ideas about that that are attached at the very end of our report. If the City Commission says it's alright to discharge paintballs outdoors if you're not in Jerry Ivey Park but you're in an actual approved range, it doesn't have to be a school that has a range, what we would come back and do would be to prepare a text amendment that would set the parameters by which somebody else could establish a paintball range. The only reason that this is in front of you today is because it is being proposed by a school on school property for students. But we don't have a provision in place for somebody who would want to open up a private paintball range and let the general public have admission. That would be a follow-up item if the City Commission decides it's alright to discharge them. The way that amendment would be drafted wouldn't just say anywhere in the city you could shoot paintball guns, it would say you can if you're on an approved paintball range. I think we have a representative of the school here if you have any questions on how that might operate.

Mr. Simpson stated please come forward and state your name and address.

Major Rob Forde, Operations Officer, St. John's Military School, 110 W. Otis.

Tom Pestinger, Board Member at St. John's Military School.

Major Forde stated I would like to thank Dean for the work that he has done. When this was proposed to me I had actually looked at the property and when I walked back to the property, as mentioned there are already natural buffers back there, and in the area that we're looking to use is an actual v-shaped area within the proposed area. So in that area it will not go all the way back. I don't know if you can see it from here, right here in that v area we would actually walk from the school through that opening. All the natural vegetation will remain. Then as you walk to the west there is vegetation that goes straight down the v and there is also vegetation to your east that goes all the way straight down. As far as the back area there when you walk in the back, there is some vegetation back there. But where we proposed the course we would not go all the way to the end. Within that specific area we would have four staging areas, three of them would be for adult supervisors and one would be a staging area for the cadets. In those staging areas the cadets will not be allowed to go on to the range until those staging areas and the areas that we would consider "Red Zones" for the staff are manned. As far as the paintball equipment, we are looking at paintball guns with 20 ounce CO2 cartridges. Along with the paintball guns there are 200 round hoppers. Those will be stored downstairs below Stevens Center. Stevens Center is one of our main buildings. That building houses the Commandant's office, my office, the ROTC department downstairs. Downstairs by the range there is an extra storage and that is considered an arms room and those will be stored in that arms room along with the CO2 cartridges. In order to get into that room you will have to go through a double set of doors, through two security doors and there is only one key to that and that key will be stored in the Operations office. As far as the safety

of the surrounding area, when we looked at that I thought what are we going to do to get them from point A to point B, when we leave Stevens Center we are going to head north across the football field over the dike and then directly into that area that I was mentioning. Before they leave that area each cadet is going to have to sign for a paintball gun. The CO2 cartridges will not be connected to the gun. The paintballs or the hoppers will also be separate from those guns. It will take one adult to say "connect your cartridges and connect your hoppers", they will not be allowed to do that until they get on to the range. Once they have finished that activity for the day they must disassemble their weapon there and carry everything back. Again, it will be logged by the same adult. One adult will supervise all of that. They will move together as a group so you will actually have three people supervising as they move from point A to point B and from point B back to point A. Any questions?

Mr. Mikesell stated I had an equipment question. I did a little research on this because my son has the paintball thing. He told me that there is a way to change the muzzle velocity of these things so that it doesn't injure the people and cause them to go so fast?

Major Forde stated we will actually be using Tippman Sports. I have been in contact with Tippman Sports. If you go to Wal-Mart you can find their paintballs guns at Wal-Mart. Those are designed for Wal-Mart. Tippman Sports will design a paintball gun for us that has a velocity control on it. It actually has a key. So you can control the velocity and you can also control the amount of CO2 that is used in that weapon. At the same time you can also put a guard on that weapon that prevents the paintballs from coming out of that weapon. If someone did not remove that hopper and you hit that guard nothing is going to come out. I already spoke to Tippman Sports about that. When I talked to Tippman Sports they will also catalogue the paintball guns that they will send to St. John's. So they will not only have one serial number on it they will have two. They will have a Tippman Sports serial number and they will also provide one for St. John's and that will be on all of their equipment.

Mrs. Bonilla-Baker asked what about the protective gear for the kids?

Major Forde stated what we are looking at right now we are looking for full head gear with a mask. They will also have a neck guard and we are also looking at a chest protector, gloves, knee pads and things like that. That will also be provided by Tippman Sports.

Mr. Funk asked what is the range of a paint gun projectile?

Major Forde stated they say within an area of 200 ft., but again with the adjustment on that I can't say it's endless but they say within 200 ft. That's why we talked about that buffer.

Mrs. Soderberg stated would you step to the screen and just point out the area that you're talking about.

Major Forde stepped to the screen. This is the area that we're talking about right here. Our range would run all the way straight down. Right here there is a tree and that is where the area will end. If you see, there will be a booth placed here, a booth placed here, a booth placed here and a booth placed here. This way everyone is viewing the same range and you can see all activity that is going on within that area. These are my "red zones." My "red zones" are back by this tree here, here, here and then you have the staging here. Generally he supervises and runs the run at red zone #1. He controls everything that happens in that area including the other red zones, red zone #2, red zone #3 and #4.

Mrs. Yarnevich asked what do you mean by "red zone"?

Major Forde stated a "red zone" is an observation area. That means that that area is set up, because it's an observation area it can not be shot at. That individual's main purpose on that range is supervision, safety and security.

Mr. Mikesell asked would this be strictly recreational or would this be used for training?

Major Forde stated this is strictly recreation. Last year the cadets asked if they could have one and we said no. They kept asking and I said we'd see what we could do about getting one approved. The kids need recreation. You can look around at the community right now and we have a lot of cadets who have no recreation and yet there is no recreation there. This gives us an opportunity to do something with them. They have to earn it. It's not going to be just because they're there that they're going to use it. The kids are going to have to be on the Commandant's list, honor roll list, he's going to have to be a cadet and show that he has earned it. It is needed and I think everyone would agree it's needed. It's needed for our own children. They have to earn something. If they cannot, I have said as the Operations Officer, that I will close it down if I have to.

Mrs. Yarnevich asked what would it entail to build it?

Major Forde stated I went back and looked back there and you folks recommended netting. We can get the netting and the materials needed in order to build it. All I would have to do is be able to put those structures back there. All we are talking about it free-standing structures almost like a dugout that they can sit in. That's really all we need. The natural material back there is more than enough.

Mrs. Yarnevich stated my biggest concern is not how you're going to manage your kids but how you're going to manage outside kids coming in when they know there is a place.

Major Forde stated the staff that work there a lot of us live there so we're always in the area. The staff that work during the day they are always out and about. When I say during the day, myself as the Operations Officer, the Deputy Commandant, the CLD's and other training officers that are working. So we do patrol our area. We also do what we call perimeter checks. Any building out there, any structure that we use including our football field we have to patrol those areas and make sure we know who is in the area and why they are in the area. Those checks are done hourly, especially at night they are done hourly and they are logged. We keep that log and I get to view that log every day when I come into work.

Mrs. Yarnevich asked who does this inspection, adults?

Major Forde stated this is all done by adults.

Mrs. Yarnevich asked so every hour somebody is going to be looking over there and checking on that to make sure nobody is over there.

Major Forde stated yes we will take care of that.

Mr. Funk asked can you explain briefly the nature of the game, do they shoot at targets or do they shoot at each other?

Major Forde stated when they play paintball they shoot at each other and that's where the safety equipment comes in. That's why we provide the neck guards, helmets and masks.

Mr. Funk asked after three splats you're out?

Major Forde stated actually after just one.

Mr. Simpson asked are there any other questions? Thank you sir.

Major Forde stated thank you.

Mr. Simpson asked would anyone else wish to address this application? Seeing none we'll bring it back to the Commission for discussion and action.

Mrs. Soderberg asked is this the kind of thing that the neighborhood isn't made aware of before hand?

Mr. Andrew stated this was treated as a public hearing with full notice like any other Conditional Use Permit.

Mrs. Soderberg asked but not mailed within a certain number of yards?

Mr. Andrew stated it was mailed to everyone within 200 ft. of the perimeter of the range area. We took this perimeter here and we sent out letters, actually 1,000 ft. in this direction. The primary neighbors that would be interested are along here and they received mailed notice of this hearing.

Mrs. Soderberg stated thank you.

Mr. Funk asked we haven't heard from any of those folks?

Mr. Andrew stated we have not gotten any phone calls or anything in response to our mailing.

MOTION: Mrs. Yarnevich stated intrinsically I don't like paintballs and I don't like kids shooting at each other with anything. But I understand that it's a recreational thing that kids really enjoy and as well supervised as I think St. John's is I think I would have to recommend approval of Application #CU07-2 with the staff conditions and of course that #5 condition, there has to be an amendment of the City ordinance by the City Commission.

SECOND: Mr. Funk.

Mr. Simpson stated it has been moved and seconded that we approve Application #CU07-2 allowing a paintball range with the staff conditions. Are there any further questions or comments? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 9-0.

Mr. Andrew stated what you are saying is that this is an appropriate land use for this piece of land and the City Commission will have to decide ultimately on the gun discharge question and then we can come back and discuss if it's appropriate for a non-school landowner who wants to rent their property out for a supervised range and whether that is appropriate or not.

Item #6. Consider adoption of a local Stormwater Pollution Prevention ordinance.

Mr. Andrew stated we had a study session on this in July and the short answer is that the Environmental Protection Agency has issued some regulations and requirements related to stormwater control that started out at a metropolitan level and have filtered down in Phase II to right now 21 communities in Kansas that are considered to be in the Phase II program. We have an operating permit from KDHE that we're operating under and that

permit calls for the City of Salina to adopt a local ordinance that deals with the subject of illicit discharge. The best way I can describe that is that the business operator there at the corner of 5th and Ash has I think three citations that I'm aware of that relate to taking vehicles out on the apron and doing the washing and rinsing out there and having the discharge go directly into the city's storm drains. That is from the EPA's standpoint what they mean by the term "illicit discharge". The second aspect, and the one that is probably of most interest and concern, deals with erosion and sediment control on construction sites and that is going to have a large impact both on the development review process as well as how construction sites themselves are managed. The third aspect of this is much more complicated and that is referred to as Post Construction Stormwater Treatment and Management Practices and that deals much more with the whole concept of stormwater detention, filtering, permeable pavement and a whole number of items. What we have done is produced for you what I would call at best public hearing drafts of those three (3) ordinances. They are not neatly formatted or finalized but they are developed enough in the sense of being broken into illicit discharge, construction site and post-construction. They are sufficient to give an idea of what the purpose of them is and what the basic elements of them are. What we did was send copies of those three drafts and an invitation to this meeting out to the Salina development community which would be designers, developers, builders and anyone who would be impacted. The purpose of this hearing is not necessarily that you would at the conclusion take some action as to a recommendation of adoption of these ordinances but rather to use this as a time for you to hear comments and concerns, for individuals to direct comments and concerns to staff and the Planning Commission and then to give direction to us to take note of those comments and if there are things that are objectionable or not clear and things that specifically need to be addressed then we would use the minutes from today's meeting, our own notes and try to respond to each of those at a future Planning Commission hearing and report back to you and to those concerned about how those would be addressed. Because this is a federal mandate, doing nothing is not an option. There are certain minimum elements that have to be addressed in an ordinance. But the other items that are discretionary and how those things are structured and set up, the items local communities have discretion on, that's what we would like to hear back on. What we would do briefly is we have drafts of each of the three where we can put them up on the screen. If those in attendance have copies and there is a particular question they have about a section, language or concept then we can go to that and then everybody can be looking at the same thing. I think before we do that Wayne Nelson, Civil Engineer, has a brief power point presentation that would just highlight the illicit discharge and construction site aspects and then I think we would open it up for questions about the various drafts. John I don't know if you want to turn that over to Wayne and then he can go through a brief presentation that would outline what the three aspects of this are which is the illicit discharge, the construction site and the post-construction. He has a few illustrations that illustrate what we are talking about in the way of changes to the way construction sites are managed.

Mr. Nelson gave a power point presentation on stormwater pollution.

Mr. Andrew stated what we would like to do is just hear from members of the audience that received a packet of information and record criticisms, record needs for clarification of terms or requirements, comments on requirements that are in the drafts that should be eliminated, things of that nature. Some of the things are minimum standards and mandatory and some of them are items that are not specifically mandated but again this is a public hearing draft and the best attempt to meet what we perceived to be the expectations of EPA and the Kansas Department of Health and Environment through a local ordinance. But we need to hear from designers, those in the

development community and builders who would be impacted by this about the things they would like to see clarified or eliminated.

Mr. Simpson stated we would like to invite anyone who wishes to comment to please come to the podium and state your name and address.

Jim Maes, 157 S. 7th Street, stated I just wanted the Commissioners to know that this is a major expense for any new development in time and money. I've gone through the ordinance and probably have over 100 comments. We'd prefer to not sit here and go through the ordinance and waste your time and everybody else's. We would prefer the Commission have the staff set up a committee of developers, builders, architects and engineers to go over this in detail and then report back to you because there is no reason to go through this page by page, it would take two weeks to get through it. Thank you.

Mr. Simpson stated thank you.

Don Marrs, DMA Architects, 2035 E. Iron, stated I totally agree with Jim's comments. I have gone through this at length and many hours and probably have the same hundred issues and comments as well. I understand having set where you are recently that this is not something that is going to go away. I think at best we can work with City staff to create the permit requirements, the erosion sediment control standards that Wayne talked about, and the stormwater design manual. Those are all issues that are identified in these ordinances as tools to use to help the design community and the developers to meet these standards. We are currently required to file with KDHE for a NOI (Notice of Intent) that we're going to disturb soil. We are also required to get it through KDHE and we're still going to be required to get those documents through KDHE as I understand. This isn't going to preclude that. The concern that I have is in the erosion and sediment control section is what in addition to those two permits are we going to have to do? That's where the erosion sediment control standards come in to play. It states in here that it may be possible for a project to use those standards and totally meet the erosion control issues for a project. That would be ideal and would eliminate having to develop a custom set of documents for each project that we do. It states in the beginning, primarily in the background information, on page 5 it says that approximately 60% of this community is composed of residential development. For the most part that residential development area that is already developed is exempt from this unless they make modifications. The next largest area 25% is government and institutional land. I think it's very important that these ordinances state that this applies to both the public and private sector. There are escape routes in there for the public sector in certain areas the way it is written. There is also penalties that lead to prison time for violators. I think we need to understand clearly what that means. There are fees required, pay to play provisions I would call it where you could buy your way out of this. I think those are all things that we really need to look at, is that really what we need to have here in Salina. I think Jim's comment about having some panel to work together on that would be helpful. If you noticed Wayne said that this is supposed to be adopted by October 1, 2007. There have obviously been delays along the way in getting it to this point, this being the middle of August of 2007. It's not going to happen. Even if the ordinances were put into place the permit requirements, standards and design manuals aren't there for the design community to follow. We are still under State mandates to do a good part of this as we go forward. When it talks about post-construction you would think that is something that happens after the project is constructed. The majority of the requirements in that ordinance you have to do during the design portion of the project and have that all in place before you even begin construction. Just because it says post doesn't mean something that happens after your done. It is things that are inspected after you are finished but you are required to do those ahead of time. I won't take any more of your time but I

do hope that there will be the ability for the design community to work with City staff as staff said that they want to work with the design community and we would like to work with them in helping Salina's plan as something that works for us and doesn't become a huge financial burden. Thank you.

Mr. Simpson stated thank you.

Bob Haworth, 1113 Twin Oaks Drive, stated I am a builder and a developer in the community. I would state the same as Jim and Donnie that this is extremely involved. It's not as simple as say there is some discriminatory items that we could cover and just talk about that and we might make a decision today or next week or just come back and we'll get this thing shot through. Obviously this has been delayed to this point. I don't know why it was delayed coming to this point. It needs to be seriously looked at with a committee of designers, developers and builders within the community. Thank you.

Mr. Simpson stated thank you.

Mrs. Yarnevich asked is there such a committee already established and how would you go about establishing it and who would be on it?

Mr. Marrs stated the City has a process for indicating interest in participating, that could be advertised and I'm sure you would have plenty of people who would like to participate.

Tim Howison, Golden Eagle Estates, 721 Neal, stated I had a couple of questions for Wayne. Are you aware whether KDHE to your knowledge is expanding beyond the federal mandate on what their requirements are? Because I have recently received a letter saying that I was supposed to have a three year permit now instead of the one year and I don't know why the one year permit even exists. Secondly, they had said that I was going to be responsible for all 50 buildings lots, every builder and everything they do for the next three years yet our permit only asks for, in reference to putting in the utilities and the streets, probably 8 acres versus 40 acres. That is just a question.

Mr. Nelson stated Tim I am not aware of any expansion of the reach of KDHE. It has been their interpretation that the holder of the NOI is responsible not only for the initial infrastructure installation but also then for the individual lots within that subdivision. That is something that the City of Salina has not really enforced or taken a stand on until recently.

Mr. Howison stated this just seems like an awkward deal to me to make us responsible for somebody else's actions yet we have no way to enforce anything. If that builder decides to do something out there we are holding the tab on that and that isn't right and I question whether EPA in their wisdom could make that stand in court. I know we can't fight the federal government. I also am very supportive of what Jim Maes said on forming a committee and trying to work some things out. One additional question I had for Wayne, would it help possibly, it talked about runoff on these lots, if the developers decided to enforce turf being put in on their front yards to retain the runoff before you even get an occupancy permit, do you know if that would help?

Mr. Nelson stated I would imagine that installation of a turf is one of the recognized best management practices if that was incorporated in to the SWPPP plan. That would certainly be an acceptable option.

Mr. Howison stated thank you.

Glen Knak, Bucher, Willis & Ratliff, 2210 Hillside Drive, stated I also agree that this does need to be looked at in detail by a committee. A major concern

that I have and I hope we don't see it happening here is that development of environmental clearances and the permit process costs more than the design of the actual project does in the Seattle area and on the west coast and I hope that it doesn't get to that point in this area. I would think we could do a little bit better than that. I agree this does need to be looked at with some concern and effort and I agree that a committee should take a look at it.

Mr. Simpson stated okay, thank you.

Mrs. Yarnevich asked what happens if by October 1st we do not have a finished ordinance in place?

Mr. Nelson stated we would be in noncompliance with the federal law.

Mrs. Yarnevich asked can we have a preliminary one subject to revisions or does that not work either?

Mr. Nelson stated I'm not sure I can answer that question intelligently. I would think if we have an ordinance in place they're all subject to revision at some point. I guess it would be a matter of how much difficulty it would be for the City Commission to enact those changes.

Mr. Simpson asked why are we so late in getting this when we have a drop dead of October 1, is it EPA that didn't provide us the information, why are we trying to rush something through at the 11th hour?

Mr. Nelson stated there has been a lack of support from KDHE on materials. I know that the state agencies have to had to deal with the mandate without the additional funding or manpower to implement the program. I believe that is a large part to why they have been unable to assist us.

Mr. Simpson asked has the City developed a fiscal note on what additional enforcement is going to cost the developers and taxpayers? If you're going to have enforcement you have to have enforcement people.

Mr. Nelson stated at this point Mr. Chairman there have not been any numbers put together to identify what additional resources there may be. We have discussed with Building Services the possibility of utilizing their current inspection staff to make on-site inspections.

Mrs. Soderberg asked I'm wondering in lieu of the comments, I guess I kind of assumed this was somewhat boiler plate, our ordinance that we're looking at, is that not true or is what we're looking at very specific to Salina?

Mr. Andrew stated I would say the illicit discharge ordinance just from what we have been seeing has very little variation from community to community. The erosion sediment control ordinances have more variation and the post-construction ones have the most variation and the most creativity and it is certainly the most difficult to wrap your arms around to figure out what all it is intended to encompass. The primary changes from what would be the case today with the Notice of Intent (NOI) through the state, the primary impact would be on the residential homebuilders from the aspect that you would have to have individual erosion control plans and erosion control measures for individual building lots. At the state level it is designed to try to get that enforcement responsibility from the state level down to the local level in terms of review and enforcement. That is what the general intent is.

Mr. Maes stated I agree with that but there is also another major impact on the large parking lots that could have major cost impacts.

Mr. Mikesell stated I think it was Mr. Marrs that commented that there was some overlaps and processes that they were already having to do for KDHE. Can you comment on that on if there is some duplication of permits?

Mr. Andrew stated there is to a degree a duplication. Hopefully the idea is that the same information that is prepared by the design professional and submitted with a Notice of Intent is submitted to the City as part of the plan submittal as well. It wouldn't make a lot of sense to have the criteria or what gets submitted be different.

Mrs. Yarnevich asked would that be an extra fee to submit that?

Mr. Andrew stated not at this time, but that would be determined by the City Commission if they wanted to decide to have a permit fee for that or whether it's simply rolled into the building permit or other aspects of that. Certainly there are fiscal impacts for the private sector and there are certainly impacts on the City staff just from a review and inspection standpoint. But that's kind of the way unfunded mandates work.

Mrs. Yarnevich asked would it be possible for a committee to form and discuss this and get back with us in two weeks?

Mr. Andrew stated I would very much doubt it. We're not going to have all the 21 cities in Kansas have their ordinances in final form for adoption by October 1st. Our permit expires in March 2008 and they will want a report back on how we're implementing the ordinance before our permit is renewed. So you're probably looking at extending that October 1st period to allow those things to occur.

Mrs. Yarnevich asked there would be no fine?

Mr. Andrew stated we will just work with KDHE on that aspect.

Mr. Nelson stated I think KDHE will take the stance that we are making progress towards achieving an ordinance and will grant us some type of leniency.

Mrs. Yarnevich stated then I suggest that we do send out to open it up for a committee of architects and builders to go through this with a fine tooth comb and make their recommendations and then come back and discuss it again. Do we need a motion?

Mr. Andrew stated that would just be direction to staff if that's the direction we should go. It is not required, but this is an appropriate venue. The whole point is that this needs to be getting into the public domain so that there is as much opportunity for the public to know about it and what the changes are and to provide input. And if the best way to get that input is for a committee to be formed to review that then that's the best way to do that.

Mrs. Yarnevich asked if there are 100 suggestions from several different people it seems to me if they could get together and come up with the same 100 it would be easier to manage.

Mr. Simpson asked Dean which office should coordinate this?

Mr. Andrew stated the City Manager's office will work with the City Commission and they'll decide how that committee should be formed. The city has an existing development council and whether a special committee or some form of that will be formed, that will be coordinated through the City Manager's office and the City Commission.

Mr. Schneider asked will the Planning Commission be a participant in that committee or be notified of those meetings?

Mr. Andrew stated I think once the committee is formed and there is a schedule then we would keep you informed as well as the governing body.

Mr. Maes stated it would be nice to have a couple Planning Commission members on that board.

Mrs. Soderberg stated Mr. Chairman I feel like we kind of jumped in and there may be others in the audience that still have comments?

Mr. Simpson asked is there anyone else who wishes to address this topic? It seems like their views have been expressed.

Mrs. Soderberg asked Dean I'm not sure I understand the Planning Commission's role here?

Mr. Andrew stated you don't have a statutory role from the standpoint that any amendment that would affect the City's subdivision regulations or zoning ordinance has to go through the Planning Commission for review and recommendation. Since this is a regulation that affects development and how development is done in Salina and that is the primary purview of this Commission and you are experienced at public hearings and other development related matters, that's what this was set up for. We don't really have a venue or forum to allow the public or development community to express their concerns or comments so this was set up for that purpose and to get that noted and to get feedback directed to the right place. Statutorily, you don't have a requirement to make a formal recommendation or anything. But because this is adding to a set of development regulations it seemed like the proper forum to at least introduce it and make you aware of it because it does impact how development is done in Salina.

Mrs. Soderberg asked is it appropriate for us to formally send on to the City Commission a request for a panel to be formed?

Mr. Andrew stated sure, if you think that's the best way for this to get done.

Mrs. Soderberg asked they can choose to do that or not do that?

Mr. Andrew stated right.

Mrs. Soderberg asked would it be appropriate in that request to suggest that one or two Planning Commission members be on that panel?

Mr. Andrew stated yes. If your recommendation is you want design professionals, developers and builders on there and your recommendation is that there be a member or two from the Commission, you've had study sessions and you are aware of what it is that we're talking about, you would certainly be in a good position to do that.

Mr. Funk asked does this ordinance have to be reviewed by KDHE or the EPA for their approval before we can pass it?

Mr. Nelson stated to the best of my knowledge the answer is no. Once we would submit our annual report to KDHE on our progress and activities we would include drafts or copies of the ordinance so they would see that we have made the progress.

Mr. Funk stated if you're looking for KDHE approval you won't get it in this decade.

Mr. Nelson stated I understand that.

Mrs. Bonilla-Baker asked who is going to monitor this once this gets passed?

Mr. Simpson stated the City staff.

MOTION: Mrs. Soderberg stated I move we recommend to the City Commission the formation of a panel that consists of at least design professionals, contractors and two Planning Commission members to study the ordinance and in their wisdom look at a timeline for that to occur.

SECOND: Mr. Mikesell.

Mr. Simpson stated it has been moved and seconded that we recommend to the City Commission the formation of a committee made up of design professionals, contractors and one or two Planning Commission members to study the Stormwater Pollution Prevention ordinance. Any further questions or comments? Seeing none we are ready for a vote. All those in favor say "aye", opposed same sign.

VOTE: Motion carried 9-0.

Item #7. Discuss transition to Xeriscaping

Mr. Andrew presented the staff report.

Mr. Simpson stated that seemed to be the genesis of the whole discussion, reducing water use.

Mr. Andrew stated it's a conversion from water intensive landscapes. When you talk to Martha Tasker, it is the grassy areas particularly the fescue areas that are the biggest consumers of water in terms of staying alive and staying green.

Mrs. Soderberg asked wouldn't it be helpful for developers to have some kind of, maybe this is what you're developing, a list of what's appropriate. I could understand that there would be some ground covers that would be appropriate as well but something that would fill in and be attractive and require very little moisture. But you would have to tell them what that was that would be appropriate for this area. The Popeye's people are not from Salina and what is appropriate in Wichita and Kansas City is not always what's going to grow and thrive in Salina so we need to maybe develop some kind of list that you can hand to developers like this and say this is what works here and choose one of these for this area.

Mr. Andrew stated I think that's what we were looking at, just saying it's not necessarily going to change the appearance of the community or the landscaped areas, but we're just changing the culture from grasses that don't maybe naturally fit here with our climate to try and get something that does. There are two ways to look at it, you dispense with grass areas all together or you get something there that's a ground cover grass that doesn't need intensive watering.

Mr. Schneider stated it gets a little complicated with shade. I know if you have a lot of shade trees, buffalo doesn't work very well in the shade and some other areas even though it's low on water.

Mr. Andrew stated it's not the easiest thing to get established and it's also not the only warm season grass. So we would probably need to look at others and maybe what some others are doing. The other aspect of this is what is good for the private developments is also good for the City. We would recommend that if you go into South 9th and do landscape islands or

other places like that we want to have the same standard apply to City projects as we would on the private side. We would have to change the way we do it also. Certainly those islands on South 9th Street are mostly fescue and they are irrigated and they really need the irrigation to stay alive so we would need to look at both aspects of that. To really have an impact, you have to look at the area here that is the most water intensive to keep green or to keep alive.

Mrs. Yarnevich asked if you over seeded bermuda on this fescue bermuda would take it over wouldn't it?

Mr. Andrew stated in most cases yes. It's not perfect and some people don't like the fact that it's brown so much of the year. But yes bermuda is considered to be a warm season grass.

Mr. Simpson asked anything else on that issue?

Mr. Andrew stated no, I think that's what the idea is that if we're transitioning to that we need to make sure everybody is in agreement to what we're transitioning to, because it's not really the types of trees and shrubs that are planted it's more of these landscaped areas or grassy areas that are the biggest water consumers.

Item #8. Other matters.

Mrs. Soderberg stated Mr. Chairman I know the hour is late so I'm not interested in to getting in a huge discussion on this, but I am concerned about the proliferation of the LED moveable sign situation. I am concerned it's going to get out ahead of us before we have a sense of the direction we really want to go with it. If we wait for all the public hearings and all that we may be grandfathering in things that we really didn't want to begin with. I'm suggesting that the staff for our next meeting give us some kind of proposal on how we could ask for a moratorium or if there is some way to help us not let this get beyond our grasp at this point.

Mr. Mikesell asked are you talking about all digital signs or just digital billboards?

Mrs. Soderberg stated I am certainly concerned about the billboards but I do have a concern about all digital signs just because I'm not sure what that means. I don't know what the new Sonic signs are going to be and how big they are. Billboards for sure but at this point I do have a concern about all of them.

Mr. Mikesell stated I think before the staff drafts anything on how to do the moratorium I think we need to talk about whether this Commission wants to have a moratorium or not. That would be my suggestion.

Mrs. Soderberg stated that is fine.

Mr. Andrew stated our approach or at least what we have tried to say is we're trying to be proactive and get a lot of information out because the cities that did enact moratoriums did so simply because they were not prepared for them at all. I think that we've done a lot of research and have a lot of ideas and information about what things could be implemented to make it a reasonable transition or process. We can just return those back to you at your next meeting and take it from there.

Mr. Simpson asked any other matters Dean?

Mr. Andrew stated we would like to bring back for your later consideration, it's not for enactment, but to just get something in place if the City

Commission says yes to paintball discharge at approved ranges to at least have something in place such as we discussed today that would apply to non-school sponsored ranges. We also have an odd situation where one of our Sonic drive-ins is in a C-3 district where we say a drive-thru restaurant is okay but a drive-in isn't. That doesn't make any sense because they're pretty similar in terms of the ordering stations and impacts and things like that. So we would bring back something for you on that. The other item is that this is Mr. Simpson's last meeting and last meeting as Chairman so will be on the 4th setting up the information for your annual meeting where we would be electing officers and looking at appointments for the other boards such as Board of Zoning Appeals, Heritage Commission and we'll try to set that up for the 4th. The Mayor has appointed Aaron Householter who is a realtor here in town to take Jerry's spot. We have some cookies and refreshments that you can grab on your way out in honor of observing Jerry's last time with us. I do want to point out one thing that I get a lot of calls, particularly from Lawrence and places like that, that tend to have ornery Planning Commission meetings and they're requesting copies of our written rules and speaking procedures for Planning Commission meetings. I say we don't have any of those. We have a Chairman and the Chairman runs the meetings and that seems to work and we have a gavel we can get out if we need to. I said we haven't needed any rules because that is what a Chairman is for and I think Jerry has pretty well exemplified that that we can somehow have those meetings, public comment and discourse without having a bunch of rules or signing up to speak or anything like that. We certainly appreciate that.

Mr. Simpson stated I appreciate those comments. It has been a pleasure to serve with each of you the past few years. I want to thank Dean and his staff who always have presented and have available a professional and comprehensive review of the applications and answering all the many questions we have. It makes our job a lot easier to have a very professional staff available. Thank you for that.

Mr. Andrew stated we appreciate that.

Mrs. Soderberg stated what Jerry has brought to the position is a unique background and one that can't be duplicated. Thank you for your time and talent.

Mr. Simpson asked are there any other matters?

Mr. Andrew stated that is all we have other than if you want to grab a cookie and some water.

Meeting adjourned at 6:28 p.m.

Dean Andrew, Secretary

ATTEST: _____

